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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 DRESDEN MICHAEL WILLIAMS,

Case No. 2:18-cv-00537-JCM-NJK

10 Petitioner,

ORDER

11 v.

12 HOWELL, *et al.*,

13 Respondents.

14 Petitioner has filed a habeas petition under 28 U.S.C. § 2254 without properly commencing
15 the action by paying the filing fee or filing a complete pauper application. Specifically, although
16 petitioner submitted an application to proceed *in forma pauperis*, he did not submit the required
17 financial certificate or his monthly account statements for the past six months. LSR 1-2.

18 It does not appear that a dismissal without prejudice would cause petitioner substantial
19 prejudice or affect application of the limitations period in this case.¹ This improperly commenced
20 action therefore will be dismissed without prejudice.

21 It therefore is ordered that this action shall be dismissed without prejudice to the filing of
22 a new habeas petition in a new case. Petitioner shall file no more documents in this closed case.
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25 ¹ The conviction challenged in this case arises out of Case No. 08C240317 in Eighth Judicial District Court. Based
26 on the petition and that court's docket, petitioner's conviction in that case has been final for several years and had
27 been final for several years before he filed his first state postconviction habeas petition on April 20, 2015. (ECF No.
28 1-1 at 1). By that time, both the federal and the state limitations periods had already expired. The state courts
dismissed the state petition on the grounds that it was untimely. (ECF No. 1-1 at 13-14). In state court, petitioner
asserted a claim of actual innocence as a way to avoid the procedural bar, and he appears to do the same in this case.
(ECF No. 1-1 at 3-4, 13-14). Accordingly, dismissal of the instant petition without prejudice is unlikely to affect the
analysis of the timeliness of the petition in this case.

It further is ordered that a certificate of appealability is denied. Jurists of reason would not find debatable whether the court was correct in its dismissal of the action without prejudice on procedural grounds, for the reasons discussed herein.

It further is ordered, pursuant to Rule 4 of the Rules Governing Section 2254 Cases, that the clerk shall make informal electronic service upon respondents by adding Nevada Attorney General Adam P. Laxalt as counsel for respondents and directing a notice of electronic filing of this order to his office. No response is required from respondents other than to respond to any orders of a reviewing court.

The clerk of court shall send petitioner a copy of his papers in this action, along with copies of the forms and instructions for an inmate pauper application and habeas petition.

The clerk of court shall enter final judgment accordingly, dismissing this action without prejudice.

DATED March 29, 2018.

James C. Mahan
JAMES C. MAHAN
UNITED STATES DISTRICT JUDGE